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September 27, 2005  
Date

Eric R. Benson  
Eric R. Benson, Esq.

**IN THE UNITED STATES**  
**PATENT AND TRADEMARK OFFICE**

**Applicant :** Mark R. Harvie

**Group Art Unit:** 3744

**Serial No.:** 10/775,418 filed February 10, 2004 which is a Continuation-In-Part Application of the Co-Pending patent application U.S. Serial Number 10/754,429 filed 9 January 2004 (Now U.S. Patent No. 6,915,641) and claiming priority from Provisional Patent Application Number 60/439,972 which was filed on 14 January 2003.

**Filed:** 2/10/04

**Examiner:** Chen Wen Jiang

**Title:** PERSONAL BACK REST AND SEAT COOLING AND HEATING SYSTEM

Commissioner of Patents and Trademarks  
Art Unit 3744  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner Jiang:

**SPECIES ELECTION**

In response to the undated First Office Action mailed on August 30, 2005, please consider the following election of species for the above-identified application as follows:

The Applicant hereby elects Examiner identified Species A: thermoelectric cooler of Fig. 7 and hereby asserts that Claims 1,2,3,4,5,9,10,11,12,13, and 18 are readable on said Species A.

**REMARKS**

Examination of this application with the afore-mentioned election and in view of the following remarks is respectfully requested.

The Applicant contends that all originally filed 18 claims in this patent application are allowable. The Applicant asserts that the generic claims in this application are allowable and therefore reserves the right to claim any such additional species written in dependent form thereon or which otherwise include all the limitations of any such generic claims that may be found allowable by the Examiner.

There is no additional fee due with respect to this filing.

On the basis of the above election, examination of the application is believed to be warranted and allowance of the application as originally filed is believed to also be warranted.

Respectfully submitted,

*Eric R. Benson*

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Reg. No. 38,074

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